1761551N25A - SH-AD-32A (OAS 6/97)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition Of Service"

DATE: August 18, 2011
FILE: SH2265120

OFFICE CORRESPONDENCE

FROM: JOSEPH S. HARTSHORNE, COMMANDER
OFFICE OF THE UNDERSHERIFF

TO: HOLLY M. PEREZ, CAPTAIN
TRANSIT SERVICES BUREAU-SOUTH

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on April 18, 2010.

The Committee met on August 18, 2011 and consisted of me, Commander Thomas G. Martin, Detective Division, and Commander Eric G. Parra, Custody Operations Bureau. The Committee determined the use of force by Deputy Mark Collins [redacted] was within Department policy.

Please advise Deputy Collins of this finding.

JSH:RSP/rsp

TABLE OF CONTENTS

IAB SH2265120

Los Angeles County Sheriff's Department

Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.?	Hit?
04-18-10	Office of Homeland Security/ TSB	☐	☒

Incident Information

URN:	Date:	Time:
010-02094-6851-055	04-18-10	0042 hours

City or Station: Transit Services Bureau / South

Location: [redacted] Willowbrook Avenue, Willowbrook (unincorporated Area)

Nature of Incident: Deputy Collins conducted a traffic stop of a vehicle speeding and in a restricted area. As Deputy Collins approached the vehicle, he saw Suspect [redacted] point a handgun at him. Deputy Collins fired two rounds, striking Suspect Romero and the right-rear passenger [redacted] A "Mac-11" 9mm assault pistol was recovered at the scene.

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled)
Other: ____________

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): **Clear** (circled), Cloudy, Fog, Rain

Distance: Three feet

Incident Type (*circle one or more*): Accidental, Armed Person, Fleeing Suspect, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, **Traffic Stop** (circled), Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot
Other: ____________

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
2	0	☐	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	N/A	Home Ph	[redacted]		
Last Name	[redacted]	First Name	[redacted]	M.I.	[redacted]
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	[redacted]	Home Ph	[redacted]		
Last Name	[redacted] (Right-rear passenger)	First Name	[redacted]	M.I.	-----
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]
Work Ph	N/A	Home Ph			

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*)
[redacted]	Bell	Terrence	L.	**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Grimes	Klaus	H.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Bedogne	Andrew	P.

PSTD Use Only
SH # ____________

See Reverse

Officer Involved Shooting

URN: 010-02094-6851-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
04-18-10	0300 hours	02-02-11	

Employee #	Last Name	First Name	M.I
[redacted]	Brothers	Jessica	P.
[redacted]	Denison	Trent	A.
[redacted]	Ault	Alicia	E.

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	FH	ZZ	9			NN	
E#1	S#1	FH	BR	9	Y	Y	GS	HE
E#1	S#1	FH	BR	9	Y	Y	GS	HD

Officer Involved Shooting
Involved Employee Information

URN: 010-02094-6851-055

Involved Employee

E 1

Employee # [redacted] | Last Name: Collins | First Name: Mark | M.I.: J.

Sex: M | Race: B | Rank: Deputy Sheriff | Unit Assignment: TSB | Work Assignment (Unit #, Module, etc.): Unit 687B

ShiftTime (*circle only one*): **(EM)** PM Day | ShiftType (*circle only one*): Regular **(Overtime)** Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case #: | Interviewed? ☒

Hrs of sleep prior to shooting: 3 hours | Duty Time (hrs): [redacted] | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **(Uniform w/ Vest)** | Other Factors:

Age: [redacted] | Height: 506 | Weight: 190

Range Qualification Date: [redacted] | PPC Qualification Date: [redacted] | Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] | Patrol Certification? [redacted] | Certification Unit: [redacted] | Prior Shootings? [redacted] | Number of Prior Shootings: [redacted] | Directed Force: [redacted]

Weapons Fired Brand: Beretta | Caliber: 9mm | # Shots: 2 | Weapons Fired Brand: Beretta | Caliber: 9 mm | # Shots: 2

Field Training Officer Emp # [redacted] | Last Name [redacted] | First Name [redacted] | M.I. [redacted]

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

E__

Employee # | Last Name | First Name | M.I.

Sex: | Race: | Rank: | Unit Assignment: | Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day | ShiftType (*circle only one*): Regular Overtime Off Duty | Intoxication/Drug Usage? ☐ | Substance Used:

Hospital Admission? ☐ | Hospital Name: | Coroner Case? ☐ | Coroner Case # | Interviewed? ☐

Hrs of sleep prior to shooting: | Duty Time (hrs): | Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest | Other Factors:

Age: | Height: | Weight:

Range Qualification Date: | PPC Qualification Date: | Laser Training Date:

Certified with Weapon Used? ☐ | Patrol Certification? ☐ | Certification Unit: | Prior Shootings? ☐ | Number of Prior Shootings: | Directed Force: ☐

Weapons Fired Brand: | Caliber | # Shots | Weapons Fired Brand: | Caliber | # Shots

Field Training Officer Emp # | Last Name | First Name | M.I.

Field Training Officer Emp # | Last Name | First Name | M.I.

See Other Side

Officer Involved Shooting
Suspect Information

URN: 010-02094-6851-055

Suspect Information

S 1

Last Name: Romero	First Name: Ivan	M.I.: M.
AKA Last Name: aka "Evil" from Evil Klan	First Name:	M.I.:

Sex: M Race: H	Street Addres[redacted]	City [redacted]	[redacted] Zip [redacted]
Work Phone:	Home Phone:	Social Security #:	Driver's Licens[redacted]
Age: 24 D.O.B. 09-24-85	Height: 508 Weight: 250	FBI # [redacted]	CII # [redacted]
Booking # 2304126	Primary Charge: 245(C) PC	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History?[redacted]
Vehicle Make: Toyota	Model: Camry	Year: 1993	

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City Torrance	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

S__

Last Name	First Name	M.I.
AKA Last Name	First Name	M.I.

Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make	Model:	Year:	

SUPPLEMENTAL NON-EMPLOYEE WITNESSES

Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted] (Front-right passenger)	[redacted]	-----	[redacted]	[redacted]	N/A	None
[redacted] (Driver)	[redacted]	[redacted]	[redacted]	[redacted]	N/A	None

INVESTIGATIVE NARRATIVE

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING

UNIT: TRANSIT SERVICES BUREAU

DATE / TIME OF INCIDENT: APRIL 18, 2010 (SUNDAY) / 0042 HOURS

LOCATION: 117TH ST. & WILLOWBROOK AVENUE
UNINCORPORATED LOS ANGELES

URN: 010-02094-6851-055

IAB #: SH2265120

OPENING STATEMENT

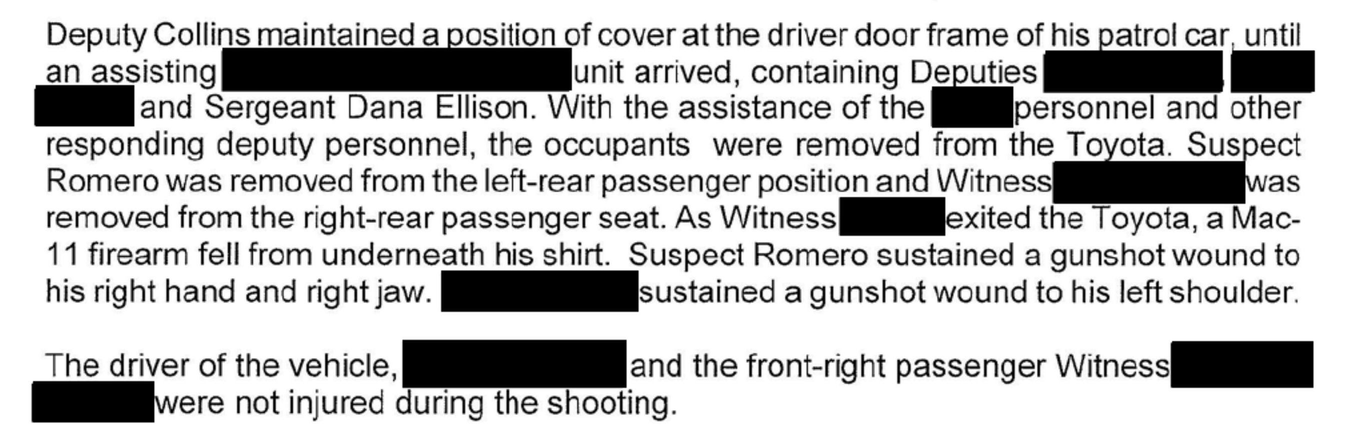
On Sunday, April 18, 2010, IAB investigators Sergeant Jessica Brothers, Sergeant Trent Denison and Lieutenant Alicia Ault responded to a command post erected by Transit Services Bureau personnel regarding a Deputy Involved Hit Shooting. Investigators learned from Homicide detectives that Transit Services Bureau Deputy Mark Collins was involved in a hit shooting during a traffic stop, injuring the suspect and a passenger who was seated next to the suspect.

SYNOPSIS

On Sunday April 18, 2010, at approximately 0041 hours, Deputy Mark Collins was parked adjacent to the Transit Services Bureau Rail Operations Center in the deputy parking area. Deputy Collins' vehicle was backed into the parking stall as he sat in his marked patrol car working on his mobile digital terminal. As Deputy Collins worked, a red Toyota Camry containing four occupants drove past him at a high rate of speed. The parking area is posted and closed to through-public traffic. Deputy Collins decided to contact the driver of the vehicle for the indicated traffic violations and began to follow the vehicle.

Deputy Collins followed the vehicle southbound on Willowbrook Avenue and activated his vehicle's overhead rotating lights. The Toyota turned left onto 117th Street and stopped along the south curb, east of Willowbrook Avenue. Deputy Collins positioned his patrol car behind the Toyota, offset to the left at a slight angle. He exited his patrol car and approached the Toyota on the driver's side. As Deputy Collins approached the vehicle, he

checked the Toyota's trunk and noticed the left rear passenger window was down. As Deputy Collins approached the driver's side he angled slightly out into the street to have a better view into the vehicle, when he saw a large pistol pointed at him by the left-rear passenger, Suspect Ivan Romero. Deputy Collins aimed his Department issued Beretta with his left hand and immediately fired two rounds at the left-rear passenger striking Suspect Romero and the right-rear passenger [redacted] Deputy Collins immediately retreated to his patrol car for cover, broadcast on his portable radio that he been involved in a shooting and requested assistance.



Deputy Collins maintained a position of cover at the driver door frame of his patrol car, until an assisting [redacted] unit arrived, containing Deputies [redacted], [redacted] and Sergeant Dana Ellison. With the assistance of the [redacted] personnel and other responding deputy personnel, the occupants were removed from the Toyota. Suspect Romero was removed from the left-rear passenger position and Witness [redacted] was removed from the right-rear passenger seat. As Witness [redacted] exited the Toyota, a Mac-11 firearm fell from underneath his shirt. Suspect Romero sustained a gunshot wound to his right hand and right jaw. [redacted] sustained a gunshot wound to his left shoulder.

The driver of the vehicle, [redacted] and the front-right passenger Witness [redacted] were not injured during the shooting.

Homicide detectives conducted a shooting investigation as documented in the Homicide Investigation Book **[Exhibit A]**.

On January 20, 2011, the Los Angeles County District Attorney's Office issued a Letter of Opinion regarding this incident **[Exhibit B]**.

INVOLVED PERSONNEL AND EMPLOYEE WORK HISTORY

Deputy Mark Collins #[redacted]
Transit Services Bureau



Date of employment	04-17-06
Date assigned to patrol	[redacted]
Date completed patrol training	[redacted]
Date assigned to Transit Services Bureau	09-28-06
Prior shooting incidents	[redacted]
Prior founded force incidents	[redacted]

SUSPECT INFORMATION

Ivan Romero
Male, Hispanic, DOB: 09-24-85, Booking #2304126, 5'8", 240 lbs
[redacted]
CII # [redacted] MAIN # [redacted] FBI # [redacted]

Suspect Romero was arrested for Assault with a Deadly Weapon on a Peace Officer, 245 (C) PC, related to this incident. Suspect Romero's [redacted] For further information regarding Suspect Romero's [redacted] refer to page 22 of the Homicide Investigation Book **[Exhibit A]**.

WITNESSES

[redacted]	Bystander
[redacted]	Bystander
[redacted]	Right-rear passenger
[redacted]	Right-front passenger
[redacted]	Driver

INJURIES

Suspect Ivan Romero received treatment at Saint Francis Medical Center for a gunshot wound to right hand and a second gunshot wound to his right jaw.

Witness [redacted] received treatment at Harbor/UCLA Medical Center where he was treated for a gunshot wound to his left shoulder.

PHYSICAL EVIDENCE

Two expended 9mm shell casings were located on the roadway surface on 117th Street near the Toyota Camry. A fired bullet and a copper jacket bullet fragment were located in the rear passenger compartment area of the Toyota Camry. A Mac-11 firearm, bloody clothing and a cell phone were recovered from the shooting scene. Additionally, a bullet was recovered from Witness [redacted] left shoulder. All evidence was located, documented and processed by Homicide detectives and Scientific Services Bureau personnel as noted in their reports found on pages 13,14,18,19, 57 and 58 in the Homicide Investigation Book **[Exhibit A]**.

INVESTIGATORS OBSERVATIONS

IAB investigators responded to the shooting scene and observed Deputy Collin's vehicle location on 117th Street east of Willowbrook Avenue in relation to the Toyota Camry (CA license # [redacted] which was parked east of Deputy Collins vehicle. Additionally, IAB investigators observed two expended shell casings on the roadway surface of 117th Street

east of Willowbrook Avenue. Four street lights in the shooting scene area were functioning at the time of the walk through. Refer to photographs of where Deputy Collins was initially parked and of the shooting scene **[Exhibit H]**. The photos were printed crime scene photograph disc **[Exhibit C]**.

WEAPON USED BY DEPUTY COLLINS

Deputy Collins fired two rounds of Department issued 9mm ammunition from his Department issued Beretta 92FS 9mm semi-automatic pistol.

WEAPON USED BY SUSPECT ROMERO

Suspect Ivan Romero possessed a Masterpiece Arms 9mm M-11 pistol.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATORS AND CHARGES FILED

Investigators:	Detectives Mitchell Robison and Sergeant Richard Garcia, Homicide Bureau
Charges Filed:	Felony, Assault with a Deadly Weapon Against a Peace Officer, 245(D)(2) PC was filed on Suspect Romero.
Case Status:	On October 22, 2010, Suspect Romero pled guilty to the charge of Assault with a Deadly Weapon Against a Peace Officer and received an 18 year sentence to state prison.

LIGHTING AND WEATHER CONDITIONS

The shooting took place during the hours of darkness at approximately 0042 hours. The weather was cool, dry and clear.

WITNESS STATEMENTS

The following narratives are intended only as a synopsis of the interviews. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions. IAB investigators reviewed Deputy Collin's Homicide interview transcripts, which was consistent with his IAB interview.

DEPUTY MARK COLLINS

*During Deputy Collin's IAB interview, a diagram and one photograph was used for clarification and to illustrate the sequence of events **[Exhibit E]**. The photographs were printed from the crime scene photo disc **[Exhibit C]**.*

Deputy Mark Collins was seated in his marked black and white patrol car, which was parked adjacent to the Transit Services Bureau Rail Operations Center. Deputy Collins's vehicle was backed in as he worked on his mobile digital terminal. As Deputy Collins worked, a red Toyota Camry (CA license #[redacted] containing four occupants drove past his vehicle at a high rate of speed. Deputy Collins noticed that the Toyota drove through the restricted area rapidly, unlike his prior observations of the public who mistakenly entered the area and appeared lost. The area where Deputy Collins was parked, was posted and closed to members of the public for through traffic. Deputy Collins decided to contact the driver regarding the vehicle code violations and followed the vehicle.

Deputy Collins followed the vehicle southbound on Willowbrook Avenue and activated his vehicle's overhead rotating lights. The Toyota turned left onto 117th Street and stopped along the south curb, east of Willowbrook Avenue. Deputy Collins noticed two males standing at the northeast corner of the intersection as he pulled his vehicle behind the Toyota. Deputy Collins positioned his vehicle offset to the left of the Toyota and at an angle so that he had better visibility of the Toyota's interior. Prior to exiting his patrol car, Deputy Collins activated both the driver and passenger spotlights and the overhead forward takedown light. Deputy Collins exited his car, approached the Toyota on the driver's side, checking the trunk as he reached the rear of the vehicle. Deputy Collins held his flashlight in his right hand and could not recall if his Department issued Beretta handgun was holstered or in his left hand behind his left leg. Deputy Collins continued his approach and noticed the left rear passenger window was down.

As Deputy Collins reached the left rear passenger window of the Toyota, he angled slightly out into the street to have a better view into the vehicle's interior. As he peered into the Toyota, he saw the left-rear passenger, Suspect Ivan Romero, turn his head from the right to the left right with the two making eye contact. Deputy Collins saw Suspect Romero holding a "Uzi" type pistol with an extended magazine pointed at him.

Deputy Collins feared for his life and believed he was about to be shot by Suspect Romero. Deputy Collins fired two rounds from his Department issued Beretta handgun. As Deputy Collins fired, he aimed at Suspect Romero and estimated he was approximately three feet from him. Deputy Collins immediately retreated to his patrol car for cover, broadcasted on his portable radio that he been involved in a shooting and requested assistance. Refer to Deputy Collins radio broadcast and transcript **[Exhibit D]**. Deputy Collins believed he had fired a third round at Suspect Romero as he retreated to his patrol car.

IAB Note: **It was determined by Homicide detectives that Deputy Collins only fired two rounds, based on physical evidence collected at the shooting scene and reconciling the two expended shell casings with the amount of ammunition remaining in his firearm.**

As Deputy Collins remained at his patrol car awaiting assisting units, he heard what he thought was a female high pitched voice screaming from within the Toyota's interior yelling "Don't shoot, we're hit!" The first unit to arrive was a slick top detective car, which contained three deputy personnel. Dep. Collins said one deputy positioned himself at his front right passenger door and another deputy positioned himself next to him. Deputy Collins was unsure where the third deputy positioned himself.

IAB Note: **The first unit that arrived was a gray unmarked [redacted] vehicle. The vehicle contained Deputies [redacted] and [redacted] and Sergeant Dana Ellison.**

Deputy Collins said as more deputy personnel arrived, he was pulled away from his position at the left door of his vehicle and a sergeant began asking him what had happened. Deputy Collins said from the time the car passed him as he was parked to the time of the shooting was no more than a minute.

Deputy Collins said at the time of the shooting he was carrying a twenty round magazine inserted in his Beretta handgun. Deputy Collins said the end of the magazine protruded approximately one inch from the magazine well. Deputy Collins said he did not have permission from his Division Chief to carry the magazine, but carried it because of a previous incident where he had asked for back-up, and the back-up did not arrive. After the shooting , Deputy Collins said he was counseled by his operations lieutenant not to continue carrying the extended magazine and Deputy Collins has not carried it since the incident.

WITNESS [redacted]

Homicide Detective Kathleen Gallagher used a diagram to illustrate the sequence of events and for clarification purposes during Witness [redacted]s interview, ***[Exhibit F]***.

Witness [redacted] said he had exited a train with his friend, Witness [redacted] The two were waiting for a second train, but they realized that it was late and that another train was not coming. The two got on their bikes and saw a police car parked with an officer in it. Witness [redacted] said a car passed by the police car very fast and he and Witness [redacted] laughed because he knew the car was going to be stopped by the cop, Deputy Collins. The police car pulled out and followed the other vehicle. Witness [redacted] saw the police car light up the car that had sped by the police car and the two cars turned left onto 117th Street. Witness [redacted] said the police car used its red lights and a siren to light up the speeding car. Witness [redacted] and [redacted] then rode their bicycles south toward the traffic stop.

Witness [redacted] said by the time he and Witness [redacted] caught up to the two vehicles he couldn't see exactly what happened. Witness [redacted] said Deputy Collins was out of the car and he was screaming "Put your hands up! Get your hands up!" and then he heard two

shots fired by Deputy Collins. Witness [redacted] said the street lights were lit "normal" and the area was lit enough to know Deputy Collins was a police officer.

Witness [redacted] said he and Witness [redacted] passed the street and then stopped to watch. Witness [redacted] said he heard Deputy Collins use his radio and state "Shot's fired!". Witness [redacted] heard a male voice from inside the stopped car screaming "You got my hand. I'm down, I'm down", or something similar. Witness [redacted] said after approximately one and a half to two minutes, additional deputies arrived at the scene.

WITNESS [redacted]

*Homicide Detective Kathleen Gallagher used a diagram to illustrate the sequence of events and for clarification purposes during Witness [redacted] interview, **[Exhibit G]**.*

Witness [redacted] said he and Witness [redacted] had exited a train because the trains stopped running at 12:30. The two began riding their bicycles, when a car sped past them and two police cars that were parked. One police car pulled out after the speeding car and used its lights, but not the siren to stop the speeding car. Both the speeding car and the police car turned left. Witness [redacted] continued south and said the cop, Deputy Collins, walked up to the car with his hand on his pistol. Witness [redacted] said a male pointed a gun at Deputy Collins from the window of the car and Deputy Collins fired two rounds at the male.

IAB Note: **Witness [redacted] did not recall hearing Deputy Collins ordering the occupants of the vehicle to put their hands up prior to the shooting, as Witness [redacted] did. Additionally, Witness [redacted] remembered Deputy Collins using his left hand to manipulate his portable radio microphone, but Deputy Collins was a left handed shooter.**

Witness [redacted] said Deputy Collins used his left hand to use his "intercom", on his shoulder to call for help and used his right hand to shoot his handgun. Witness [redacted] said Deputy Collins used his car for cover and continued aiming his handgun at the car until back-up units arrived. Witness [redacted] said he could he hear a male inside the car telling Deputy Collins "I'm hit, I'm hit". Witness [redacted] said he did not remember Deputy Collins shouting any commands to the occupants in the stopped vehicle. He estimated from the time he saw car speed pass Deputy Collins, until the shooting occurred was twelve to fourteen seconds. Witness [redacted] said it was approximately one to two minutes for the first responding unit to arrive.

Witness [redacted] said that Deputy Collins was wearing a uniform and that there was no way the occupants in the car would not have known he was a police officer, because of the red and blue lights. Witness [redacted] said he did not see anyone else out on the street at the time of the shooting. Witness [redacted] saw two people in the stopped car.

WITNESS [redacted]

Witness [redacted] was seated in the right-rear passenger seat of the vehicle stopped by Deputy Collins. He was interviewed in the Harbor General Medical Center Emergency Room as he was treated for a gunshot wound to his left shoulder. At the time of the shooting Witness [redacted] was seventeen years old.

Witness [redacted] told Homicide detectives he had been picked up at a 7-11 by his friend. Witness [redacted] said he did not know the names of the other occupants in the car, including his friend. Witness [redacted] said they had driven through the train station and then they were stopped by Deputy Collins. Witness [redacted] said he did not see Deputy Collins approach their vehicle, but when he heard the deputy yell "freeze", he turned and saw a male black deputy wearing glasses standing at the left side of the their vehicle holding a black handgun.

He said the deputy fired twice causing Suspect Ivan Romero to fall into his lap and Witness [redacted] was shot.

IAB Note: **In Witness [redacted] Homicide interview, he indicated he could not move his left hand and said "I can't move my left hand. It's shot." Witness [redacted] later referred to his inability to move his left arm. Witness [redacted] received a gunshot wound to his left shoulder. Refer to pages 3 and 4 of Witness [redacted] Homicide interview transcript and Deputy Burns supplemental report which documents Witness [redacted] injury and the removal of the bullet from his left shoulder. Deputy Burns supplemental report is contained in the Homicide Investigation Book at page 58.**

Witness [redacted] said additional deputies arrived and as he exited the car, he saw a firearm on the ground.

IAB Note: **Deputy [redacted] observed a firearm fall from underneath Witness [redacted] shirt as he exited the Toyota during the extraction phase of the traffic stop. Refer to page 53 of the Homicide Investigation book [Exhibit A].**

Witness [redacted] said he never saw a firearm while he was seated in the car nor did he see Suspect Romero holding a firearm.

WITNESS [redacted]

Witness [redacted] was seated in the front-right passenger seat of the vehicle stopped by Deputy Collins. Witness [redacted] was not injured during the shooting.

Witness [redacted] said she was a front passenger in the car that was stopped by the Deputy Collins. She said the car belonged to her [redacted] and he was the driver at the time of the incident. Witness [redacted] said she and her [redacted] drove to an unknown location near the shooting scene to pick up his friends before the incident occurred. She said she had meet the rear-passenger males once before, but she did not know their names. Witness [redacted] said once the car was stopped by the police, the " big guy" seated in the left-rear passenger seat started shooting at the police and the police returned fire. Witness [redacted] said the left-rear passenger pulled the gun "from nowhere and shot at the cop".

IAB Note: Homicide detectives determined Suspect Romero did not fire his firearm during the incident.

Witness [redacted] said she did not she the gunfire, but heard the shots. Witness [redacted] said as the shots were fired, she ducked down and put her hands in the air. She said the rear passengers said they were shot. Witness [redacted] told Homicide detectives she believed the left-rear passenger threw the gun out of the car, because she heard it fall onto the street or sidewalk.

WITNESS [redacted]

Witness [redacted] interview was not recorded.

[redacted] was the driver of the Toyota stopped by Deputy Collins. Mr. [redacted] refused to discuss the incident with Homicide detectives and was housed in state prison at the time of the shooting review.

SUSPECT IVAN ROMERO

Suspect Ivan Romero was seated in the left-rear passenger seat of the Toyota Camry, which Deputy Collins stopped for traffic violations.

Suspect Ivan Romero was interviewed by Homicide detectives at Saint Francis Medical Center on April 18, 2010. Suspect Romero was advised of his Miranda rights which he waived. Suspect Romero said his [redacted] had picked him up at a friend's house and they had driven to Watts. He said he was seated in the left-rear passenger seat and his friend '[redacted]', was seated in the right-rear passenger seat of the vehicle. Suspect Romero said that they were stopped by police and as the deputy, Witness Collins, approached their car on the driver's side, he "flossed", his gun at the deputy.

Suspect Romero said he did not know why he pointed the gun at the deputy. He said the gun was a nine millimeter Mac-11 and it was loaded at the time of the shooting. Suspect Romero had obtained the gun from a friend several months prior and loaded four rounds into the magazine to determine how many rounds it could hold.

IAB Note: At the time Suspect Romero's firearm was recovered, it contained twenty-two rounds in the magazine, one round in the chamber and the safety was in the "fire" position. For further details regarding the firearm, refer to the firearms examination supplemental report on page 14 of the Homicide Investigation Book [Exhibit A].

Suspect Romero was asked why pointed the gun at the deputy and he replied, "I was stupid". Suspect Romero said the other male occupants in the car knew he possessed the firearm. Suspect Romero said he had been an Evil Klan gang member for seven years and is known as "Evil".



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
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January 20, 2011

Captain David Smith
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbacker Road
Commerce, California 90040

RE: J.S.I.D. # 10-0301
L.A.S.D. URN # 010-02094-6851-055

Dear Captain Smith:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 18, 2010, non-fatal shooting of Ivan Romero and [redacted] by Los Angeles Sheriff's Department Deputy Mark Collins. We have determined that Deputy Collins acted lawfully in self-defense.

The following analysis is based upon a series of reports prepared by the Los Angeles Sheriff's Department (LASD) and submitted to this office on November 10, 2010. The District Attorney Command Center was notified of this shooting at 2:30 a.m. on April 18, 2010. The District Attorney Response Team, consisting of Deputy District Attorney Paul Nunez and District Attorney Senior Investigator [redacted] responded to the scene where they received a briefing and "walk-through" of the location and participated in witness interviews. The voluntary statement of Deputy Collins was considered as part of this analysis.

FACTUAL ANALYSIS

On April 18, 2010 at 12:40 a.m., Transit Services Bureau Deputy Mark Collins parked his patrol vehicle at the TSB station located at Willowbrook and Imperial Highway north of the City of Compton. While in his vehicle, he observed a red Toyota Camry drive through the TSB parking lot and street reserved for buses only in violation of posted signs. Collins activated his forward facing red light and pursued the vehicle but it did not immediately stop. The driver (later identified as [redacted] continued south down Willowbrook until he turned left on eastbound 117th Street. Collins stopped his vehicle behind the Camry, illuminated the vehicle with his spotlight and approached the driver. As he approached, he noticed the car had four occupants. As he passed the passenger

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door on the driver's side, he noticed the passenger behind the driver pointing a gun at him. The gun appeared greenish in color and had an extended magazine. Fearing for his life, Collins fired twice at the passenger. He fired a third round as he retreated to his patrol vehicle for cover. He used his radio to call for assistance and heard a female voice say, "stop shooting we've been hit."

Collins said assisting units arrived and detained the occupants, which included one female in the front passenger seat. The suspect, later identified as Ivan Romero, and the second backseat passenger [redacted] were treated for the gunshot wounds at local hospitals. Investigators inspected Collins' weapon and found he had fired two rounds. Two 9mm casings, fired from Collins' gun were found outside the suspects' vehicle. Assisting deputies recovered a loaded "Mac-11" 9mm. semiautomatic handgun inside the Camry.

[redacted] stated she was in the front passenger seat when the shooting occurred. [redacted] accompanied her [redacted] to pick up his friends from their home in Hawthorne. When they arrived in the Watts area, she did not recognize Romero or [redacted] When [redacted] turned down Willowbrook, the car was pulled over and Romero pulled a gun from "nowhere and shot at the cop." She said the deputy returned fire and she heard the passengers in the back seat say they were shot. As the deputies detained the occupants, [redacted] heard the gun fall out of the car onto the street.

[redacted] told investigators the car belonged to his [redacted] and that Romero is his [redacted] He refused to provide further information.

Ivan Romero waived his Miranda rights and told investigators [redacted] drove him and his friend [redacted] to Watts. He is known as Evil from the Evil Klan gang in Hawthorne and [redacted] is from the same gang. When Collins stopped the car, Romero "flossed" or brandished the gun at Collins. Romero did not know why he brandished the gun and said he was not going to shoot at Collins. Romero had the gun for several months and it was a Mac 11 model 9 millimeter. The other males in the car knew he had the gun. Romero was shot in the left jaw and his right hand.[1]

[redacted] spoke with investigators at the hospital where he received treatment for a graze wound to his left shoulder. [redacted] claimed he did not know Romero was armed and told investigators he only saw the deputy fire his weapon.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and

[1] Romero pled to one count of felony assault on a peace officer in violation of Penal Code § 245(D)(2) and was sentenced to 18 years in state prison in case number TA111854.

reasonably believed that he was in danger of great bodily injury or death. People v. Randle (2005) 35 Cal. 4th 987, 994; People v. Mercer (1962) 210 Cal. App. 2d 153, 161.

In protecting himself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM 3470.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

The evidence examined in this investigation shows that Deputy Mark Collins initiated a traffic stop of a vehicle driving erratically which contained four persons. When Deputy Collins approached, Ivan Romero, who was a rear passenger, brandished a firearm at Collins. Collins, in fear for his life, responded with deadly force.

Romero's actions placed Collins in imminent danger of death or great bodily injury causing the officer to respond with deadly force. We find that Deputy Mark Collins acted reasonably and lawfully in self-defense when he fired his service weapon at Ivan Romero. We are closing our file and we will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By [signature]

PAUL NUNEZ
Deputy District Attorney
(213) 974-3888

c: Deputy Mark Collins, #[redacted]

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